

## INDIANS OCCUPYING RAILROAD LANDS IN ARIZONA, NEW MEXICO, OR CALIFORNIA

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JANUARY 19, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. HAYDEN, from the Committee on Indian Affairs, submitted the following

### REPORT

[To accompany S. 369]

The Committee on Indian Affairs, to whom was referred the bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Line 8, page 1, strike out "1925" and insert "1927."

This bill has the approval of the Secretary of the Interior, as is set forth in letter from him under date of January 25, 1924, which is attached hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,  
Washington, January 25, 1924.

Hon. J. W. HARRELD,  
*Chairman Committee on Indian Affairs,*  
*United States Senate.*

MY DEAR SENATOR HARRELD: Reference is again made to your letter of December 31, 1923, transmitting for report a copy of Senate 369, Sixty-eighth Congress, first session, which would amend the act of March 4, 1913 (37 Stat. L. 1007), providing for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California. This department is favorable to the enactment of the legislation as proposed.

The act of March 4, 1913, *supra*, makes provision by which Indians who had occupied lands within the railroad grants in Arizona, New Mexico, and California for a period of five years or more prior to the date of that act, might receive such tracts as allotments if they were eligible under the provisions of section 4 of the act of February 8, 1887 (24 Stat. L. 388), as amended, upon the acceptance by the railroad company of other land on the public domain in lieu thereof. The provisions of that act were to run for a period of three years. These provisions have however been extended from time to time by subsequent acts of Congress, the last extension expiring on March 4, 1923.

It had been hoped to complete the work of exchanging public domain lands for all these Indian selections on railroad grants before the date last above mentioned

but the effort was not successful. The railroad companies seldom select lieu land for their own use but merely sell the right of selection and the exchanges were greatly retarded by the decrease in demand for agricultural and grazing lands. There are, therefore, some Indians yet to be taken care of, if possible.

The enactment of the legislation embodied in Senate 369 extending the provisions of the law until March 4, 1925, would afford opportunity to further negotiate for the exchange of the remaining Indian selections and the proposed bill receives the approval of this department.

Very truly yours,

HUBERT WORK.

Your committee is advised by the Bureau of Indian Affairs that this is the last extension of time which will be requested. The necessity for the enactment of the original legislation is set forth in the following letter:

DEPARTMENT OF THE INTERIOR,  
Washington, February 24, 1912.

HON. ROBERT J. GAMBLE,

*Chairman Committee on Indian Affairs, United States Senate.*

SIR: By direction of the President I have the honor to submit herewith, for the consideration of your committee, the draft of a bill authorizing railroad companies to relinquish land within their grants and to select other land in lieu thereof, the purpose being to permit Indians who have lived on the relinquished land for a long period of years to retain it as allotments.

The attention of the department has been invited recently to the fact that there are a number of Indians in Arizona and New Mexico who are living on odd-numbered sections within railroad land grants at the time the right of the railroad company attached, but whose claims thereto could not be perfected then under any law of the United States.

The department has now in mind the cases of an Indian woman 70 years of age and her children and grandchildren, whose claims have been presented by the Commissioner of Indian Affairs for consideration. It is evidenced that this woman made her home all her life on the railroad section and that her father had also lived thereon. Applications were made on behalf of these Indians for allotments of the land under the general allotment act of February 8, 1887 (27 Stat. L. 288), as amended by the act of June 25, 1910 (36 Stat. L. 859). It was ascertained that these Indians were clearly entitled to take allotments, but it became necessary to reject their applications for the particular land occupied and wanted by them, as it was not free from any valid claim, capable of being perfected under any law of the United States, on March 12, 1872, the date of the definite location of the railroad company when its right attached, this privilege not being extended until the passage of the act of March 3, 1875 (18 Stat. L. 420).

Attention is invited to the fact that the relinquishment by the railroad company would be entirely voluntary, and it may be said here that the land-grant companies in most instances have expressed a willingness to relinquish any tracts within the limits of their grants to which the claims of Indian settlers have been advanced.

The department would be pleased to see the inclosed bill or legislation similar thereto enacted into law.

Respectfully,

SAMUEL ADAMS,  
*Acting Secretary.*